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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,550	07/10/2001	Andreas Detmers	A-2237 CIP	8928
24131	7590	09/14/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			COLILLA, DANIEL JAMES	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,550

Applicant(s)

DETMERS ET AL.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 29-71 is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18-21, 23-26 and 28 is/are rejected.
- 7) ☒ Claim(s) 17, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama et al. (US 5,406,888).

With respect to claim 15, Sugiyama et al. discloses an accessory configuration including an accessory 61-67, a connection mechanism 55 as shown in Figure 7 of Sugiyama et al. The link mechanism 55 has a first pivot axis at the bottom of rod 60 and a second pivot axis at the top of rod 60 as shown in Figure 7. Both axes are located outside of the printing unit 1,47, are parallel to the axes of the printing unit 1,47 and the second pivot axis is located above the printing unit 1,47.

With respect to claim 16, the printing unit 1,47 has parts 1 and 47 and the accessory 61-67 (specifically portions 65-66) that project into the printing unit 1,47.

3. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Kumaki et al. (JP 05-77412).

Kumaki et al. discloses an accessory configuration including an accessory 24 and a connection mechanism 25 as shown in Figure 8-10 of Kumaki et al. The connection mechanism moveably fastens the accessory 24 to the printing unit frame 9 as shown in Figure 8. The

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connection mechanism has a first pivot axis 31 and a second pivot axis 30 as shown best in Figure 9. The second pivot axis 30 is disposed outside of the printing unit 1 as shown in Figure 7 of Kumaki et al. Both pivot axes 30 and 31 are parallel to the axis of printing unit 1 with the second pivot axis located above the printing unit as best shown in Figures 7 and 9.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (US 5,406,888), as applied to claims 15-16 above, and further in view of Rudewitz et al. (US 6,142,072).

With respect to claims 18 and 23, Sugiyama et al. discloses the claimed accessory configuration except for the means for centering the accessory. However, Rudewitz et al. teaches an accessory which includes a means for centering 34 as shown in Figures 1 and 3 (Rudewitz et al., col. 6, lines 58-61). It would have been obvious to combine the teaching of Rudewitz et al. with the accessory configuration disclosed by Sugiyama et al. for the advantage of preventing the accessory from becoming misaligned during operation.

With respect to claims 19 and 24, Rudewitz et al. teaches locking bolts 13-14 that fit into engagement members 17-18 (Rudewitz et al., col. 7, lines 49-52).

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6. Claims 18, 20-21, 23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (US 5,406,888) in view of Haramia et al. (US 3,611,923).

With respect to claims 18, 20, 23 and 25, Sugiyama et al. discloses the claimed accessory except for the prism shaped centering means. However, Haramia et al. teaches a centering means 44 for an accessory as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. While this centering means does not include a prism, the only difference between a prism and the centering means 44 is the sharpness of the curve of the engaging surface. It would have been obvious to combine the teaching of Haramia et al. with the accessory disclosed by Sugiyama et al. for the advantage of properly aligning the moving parts of the accessory with respect to the printing unit every time the accessory is engaged or disengaged. It would have been obvious to one of ordinary skill in the art through routine experimentation to adjust the sharpness of the curve according to the degree of accurate positioning that is required.

With respect to claims 21 and 26, the centering means 44 is a stop.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. (US 5,406,888) as applied to claims 15-16 above, and further in view of Beisel et al. (US 5,479,858).

Sugiyama et al. discloses the claimed accessory configuration except for the spring. However, Beisel et al. teaches an accessory configuration with a connection mechanism including a spring 23 as shown in Figure 1 of Beisel et al. In col. 8, lines 36-31, Beisel et al. teaches that the spring 23 could also be a pneumatic element 46 thus establishing that they are

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mechanical equivalents. Sugiyama et al. discloses an air cylinder 51 which assists in the pivoting of connection mechanism 55. It would have been obvious to replace the air cylinder 51 disclosed by Sugiyama et al. with the spring taught by Beisel et al. because they are mechanical equivalents.

Allowable Subject Matter

8. Claims 1-14 and 29-71 are allowed.
9. Claims 17, 22 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 6/9/04 have been fully considered but they are not persuasive of any error in the above rejection.

With respect to the Sugiyama et al. reference, Sugiyama et al. discloses that, "When the lever 62 is driven by the air cylinder 51 and *is swung* [emphasis added], the roller lever 64 is *reciprocated* [emphasis added] together with the levers 63 and 66 in the radial direction of the plate cylinder 1" (Sugiyama et al., col. 6, lines 29-32). Since the lever 62 swings, it must pivot. Additionally, since the levers 63, 64 and 66 reciprocate it follows that they alternately move towards and away from the plate cylinder 1. Thus when the air cylinder 51 is not being driven the lever 62 must swing back in the opposite direction which is away from the printing cylinder

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1. Since applicant is not claiming the printing unit and has not actually defined what the printing unit is, it would be reasonable to interpret the plate cylinder 1 as the printing unit.

With respect to the Kumaki et al. reference, while structure 29 may be an air cylinder it appears reasonable to include this as part of the accessory since it is used solely for operating the cleaning device. Pin 30 fixes the air cylinder to the printing frame 9 and pivots the air cylinder 29 while the air cylinder operates to move the cleaning device into and out of engagement with the blanket cylinder 1 (which is being considered the printing unit). Furthermore, the examiner disagrees with applicant's assertion that the accessory is not pivoted away from the printing unit. Figure 9 shows the accessory in a disengaged position with a gap between itself and the printing unit 1. When in use, the accessory engages the printing unit 1 to clean it. The move from the printing unit 1 cleaning position to the disengaged position is clearly in a direction away from the printing unit 1. While it may still be in close proximity to the printing unit 1, that has no bearing on which direction the accessory has been moved. With respect to applicant's argument that the pivot axis 30 is not a pivot but rather "a power discharge device from the pneumatic cylinder" does not appear to be correct. The examiner can find no support for this assertion. An machine translation of the the Kumaki et al. reference is being provided to help clarify the issue.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (571)272-2157. The examiner can normally be reached Mon.-Thur. between 7:30 am and 6:00 pm. Faxes regarding this application can be sent to (703)872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (571)272-2168. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 7, 2004


Daniel J. Colilla
Primary Examiner
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